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STRATA TITLE MANAGEMENT

ABN: 43 119 665 762

stratatitle.com.au

NOTICE OF ANNUAL GENERAL MEETING OF THE OWNERS CORPORATION – SP50785

NOTICE OF BUSINESS to be dealt with at the Annual General Meeting of the Owners-Strata Plan No 50785

To be held on **Monday 07 May 2018**

The BBQ Area, 1-3 McDonald Street, Cronulla

Commencing at 7:00PM

PRELIMINARIES

1. Recording of persons present personally or by proxy.
1. Recording of apologies.
2. Announcement of persons entitled to vote.
3. Determination of quorum.
4. Determination of Motions.

CONFIRMATION OF RECORDS

MOTION 1	***Minutes***	***Ordinary Resolution***

THAT the minutes of the previous General Meeting be confirmed as a true and accurate account of the proceedings at that meeting.

Explanatory Note: This motion refers to accepting the minutes of the last general meeting, a copy of which is included in the meeting notice.

FINANCIAL MATTERS

MOTION 2	***Financial Statements***	***Ordinary Resolution***

THAT the statement of key financial information and the audited financial statements of accounts for the period **01/03/2017 to 28/02/2018** be adopted.

Explanatory Note: The financial statements are attached for your review. This motion refers to accepting the financial statements for the financial year just ended in order to fulfil the requirements of Sections 92-94 of the Strata Schemes Management Act 2015. The audit report completed by the auditor has been completed in accordance with the applicable Australian Accounting Standards.

Treasurer's Report

<u>Administration Fund</u>

- ***<u>We had another great result, coming in $110,771.95 better than the adjusted budget !</u>***
- *At last year's AGM a budget representing a year end fund balance of $125,811.88 was approved, then $100,000 was approved to be transferred to our Capital Works Fund, then an additional $5,000 was approved for PRIDE expenses = an adjusted year end fund balance of $20,811.88*
- *Our actual results yielded a year end fund balance of $131,583.83 !!!! And this is what we start our 2018/19 year with = very healthy !!!!*
- *See Balance Sheet + Statement of Income & Expenditure financials, being part of this agenda – noting significant reduced expenses were :*

**Lift maintenance contract - $45,000 budgeted (2016/17 actual was $42,213.22), with the 2017/18 actual coming in at $25,759.76. This significant reduction, and not a full years results, is solely attributed to the new Thyssen Krupp contract where TK took over the maintenance of the tower lifts previously with OTIS – all thanks go to Carey here !!!!*
**Utilities (gas, water & electricity) – total $153,000 budgeted (2016/17 actuals were $141,060.99), with 2017/18 actuals totaling $133,053.53. So, a decrease resulted rather than an expected increase. The largest favourable variance was with electricity, and all thanks go to Carey here again for the latest contract !!!!*

Capital Works Fund

- ***We came in better than budget, but some works weren't done while others that were not scheduled were done.***
- *Our April '17 AGM approved budget showed a year end fund balance of $278,257.59, whereas we came in with $861,336.73. We lifted our term deposit to $600,000 accordingly, so a little bit of additional interest gained/to be gained, and we commence the 2018/19 financial year with the $861,336.73*
- *Major expense $'s being :*
  **Balustrading – budget of $320,300, outlaid $273,351.38 – works completion with payment of retained funds to move into 2018/19 year*
  **Repaving & membrane replacement pool/BBQ – budget of $245,455 with all work now proposed in 2018/19 (must be done in non-swimming times)*
  **Painting of tower foyers & amenities block – budget of $53,565 with all work now proposed in 2018/19*
  **Completion of C2, C40, C69 & C71 replacement balcony doors/panels – budget of $50,000 with all work completed/to be completed in 2018/19 (difficulties with NGS/Southside supplier)*
  **Replace fire doors – budget of $68,182 with $'s to be budgeted in 2018/19 (but work not required in 2017/18 in order to be compliant)*
  **significant non-budgeted works undertaken were $27,637 for our EWIS replacement/upgrade + $16,105 to replace the standby generator radiator.*

MOTION 3	***Auditor***	***Ordinary Resolution***

THAT a recommended auditor be appointed for the financial year **01/03/2018 to 28/02/2019.**

Explanatory Note: This motion is required to be considered by the Owners Corporation at each Annual General Meeting however it is not a legal requirement to appoint an auditor, unless your Strata Plan contains over 100 lots (excluding utility lots and car park lots) or has the total of other income, total annual levies and the total of funds held on deposit that is greater than $250,000.

MOTION 4	***Term Deposits***	***Ordinary Resolution***

THAT the duly elected Treasurer be authorised to provide standing instructions to the Strata Managing Agent concerning the investment of trust funds into higher interest bearing accounts.

Explanatory Note: This motion is to provide the Treasurer with the expressed authority of the Owners Corporation to provide the Strata Managing Agent instructions on investing trust funds in term deposit accounts or other approved investment accounts to achieve a higher level of interest on your trust funds.

MOTION 5	***Management of Levy Arrears***	***Ordinary Resolution***

THAT the Owners – Strata Plan No 50785 RESOLVE pursuant to the Strata Schemes Management Act 2015 (including Section 103) for the purpose of collecting levy contributions to authorise the Strata Managing Agent and/or the Strata Committee to do any one or more of the following:

a) to issue arrears notices, reminder notices and/or letters to seek recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs/expenses and arrange and monitor payment plans;

> ***Important Note:***
> ***STM's debt recovery process is to send owners the original levy notice at six weeks prior to the due date. STM then sends a first reminder 34 days after the due date, a second reminder 48 days after the due date and a final reminder 64 days after the due date. Our solicitors will be engaged 28 days from the final reminder issue date. This strict process is necessary to ensure that our scheme have suitable cash flows in order to maintain expenditure levels for services.***

b) to engage or appoint the services of a debt collection agency, obtain legal advice and/or retain legal representation and/or experts on behalf of The Owners- Strata Plan No 50785;

c) to issue demands, commence, pursue, continue or defend any court, tribunal or any other proceedings against any lot owner, mortgagee in possession and/or former lot owner in relation to all matters arising out of the recovery of levy contributions and the recovery of other debts, including penalties, interest, legal and other costs;

d) Enter and enforce any judgment obtained in the collection of levy contributions including issuing writ for levy of property (personal and real property), garnishee orders, examination notices/orders/hearings, bankruptcy notices, statutory demands and commencing and maintaining bankruptcy proceedings or winding up proceedings;

e) Filing an appeal or defending an appeal against any judgment concerning the collection of levy contributions; and

f) Liaise, instruct and prepare all matters with the Owners Corporation's debt collection agents, lawyers and experts in relation to any levy recovery proceedings.

Explanatory Note: This is a standing motion to authorise Strata Title Management to take any and all necessary action to ensure the prompt payment of levies within your scheme.

MOTION 6	***10 Year Capital Works Fund Forecast***	***Ordinary Resolution***

THAT the Owners Corporation review and generally adopt the Capital Works Fund Forecast as completed by ***SIE*** effective from ***07/02/2017*** for the anticipated major capital expenditure of the strata scheme over a 10 year period in accordance with Section 80 of the Strata Schemes Management Act 2015 (NSW).

Explanatory Note: This motion is to resolve to adopt the recommendations of the Capital Works Fund Forecast to ensure sufficient funds are available in the future for major capital expenditure.

MOTION 7	***10 Year Capital Works Fund***	***Ordinary Resolution***

THAT the owners corporation resolve to do the following:

(a) Engage a suitably qualified consultant to review, carry out and/or assess the capital upgrade and maintenance requirements of the building for the next ten (10) years or an updated report each five (5) years, and provide the Capital Works Fund Analysis report; and

(b) To submit that report to the Strata Committee to determine what action is required, if any; and

(c) To delegate to the strata manager the function pursuant to the Agency Agreement additional duties schedule to undertake the seeking of quotations and engaging the contractor to prepare the report and any ancillary work approved by the Strata Committee.

Explanatory Note: The owners corporation must prepare a plan of anticipated major expenditure to be met from the capital works fund over the 10-year period commencing on the date of the first annual general meeting. The capital works fund plan must be reviewed at least once every 5 years.

The preparation of this plan is a significant exercise and the legislation allows the owners corporation to engage expert assistance in its preparation. The meeting must discuss the preparation or review of this plan. A copy of the current plan is available from the strata manager and a copy will be available at the meeting.

MOTION 8	***Levy Discount***	***Ordinary Resolution***

THAT the owners corporation decide, pursuant to Section 85(4) of the *Strata Schemes Management Act 2015 (NSW)* to provide a 10 percent discount to an owner if their standard quarterly levy is received **BEFORE** the date on which it becomes due and payable.

Explanatory Note: In accordance with Section 85 (4) the owners corporation must decide by Ordinary Resolution if they wish to provide lot owners with a 10% discount on their quarterly levy contributions should the payment be received prior to the due date. (Owners should allow up to 4 days for the payments to be received into the trust account for SP50785).

MOTION 9	***Annual Budget and Contributions***	***Ordinary Resolution***

a) **THAT** in accordance with Section 79 of the Strata Schemes Management Act 2015, that the proposed annual budget* for the financial period **01/03/2018 to 28/02/2019** be adopted.

b) **THAT** in accordance with Section 81 of the Strata Schemes Management Act 2015, the proposed contributions (levies) payable for the financial period **01/03/2018 to 28/02/2019** be as follows:-

ADMINISTRATIVE FUND: $666,667.00 Plus GST
CAPITAL WORKS FUND: $433,333.00** Plus GST

And that the contributions be levied in four equal instalments in accordance with Section 81 of the Strata Schemes Management Act 2015 and payable by each Lot owner according to unit entitlement as shown in the table below.

Proposed Administration Fund Budget

Levy Period			Due Date	TOTAL (INCL GST)
01.03.2018	-	31.05.2018	Previously Issued	$183,333.43
01.06.2018	-	31.08.2018	Previously Issued	$183,333.42
01.09.2018	-	30.11.2018	01.09.2018	$183,333.43
01.12.2018	-	28.02.2019	01.12.2018	$183,333.43
			TOTAL	**$733,333.70**
01.03.2019	-	31.05.2019	01.03.2019	$183,333.43
01.06.2019	-	31.08.2019	01.06.2019	$183,333.43

Proposed Capital Works Fund Budget

Levy Period			Due Date	TOTAL (INCL GST)
01.03.2018	-	31.05.2018	Previously Issued	$119,166.58
01.06.2018	-	31.08.2018	Previously Issued	$119,166.57
01.09.2018	-	30.11.2018	01.09.2018	$119,166.58
01.12.2018	-	28.02.2019	01.12.2018	$119,166.58
			TOTAL	**$476,666.30**
01.03.2019	-	31.05.2019	01.03.2019	$119,166.58
01.06.2019	-	31.08.2019	01.06.2019	$119,166.58

Levy periods commencing: *01/03/2018*, *01/06/2018*, *01/09/2018* and *01/12/2018*.

c) **THAT** in the event that the Owners Corporation is unable to hold the next Annual General Meeting by 15/01/2019, the Owners Corporation estimates and approves that the yearly and quarterly expenses of the scheme will be the same as those contained in the current budget and accordingly resolves to raise a levy for the quarter *01/03/19 to 31/05/19* quarter and 01/06/19 to 31/08/19 in the same amount and equivalent to the quarterly levy raised and payable for the previous quarter *01/12/18 to 28/02/19.*

Note: ***Any questions relating to the budget or financial statements should be directed to our office PRIOR to the meeting.***

Note: *****Your capital works fund budget as proposed has been calculated in accordance with the capital works fund forecast. If the Owners Corporation do not propose to raise the amount accordance with the Capital Works Fund forecast then an explanation is required to be made in the minutes of the meeting.***

Explanatory Note: ***See Treasurer's Report Below***

Administration Fund

- ***It is proposed that we do not change levies here for 2018/19. so subject to approval, they will continue at current rates !***
- *We commence the year with a funds balance of $131,583.83 add budgeted income of $611,100.00 (mainly levies less 10% allowance for early payment) less $618,765.00 in budgeted expenditures (so expenses are slightly higher than income), and end the year with a projected funds balance of $123,918.83 = remaining very healthy !!!!*
- *We don't need such 'healthy' $'s in this fund, but with an aging building more $'s will be required to continually maintain it to a good standard through our Capital Works Fund. So, it is proposed to hold this healthy surplus here, for later consideration to moving an additional $100,000 into our Capital Works Fund which may be proposed at next year's AGM*
- *See Balance Sheet + Statement of Income & Expenditure for proposed budget financials, noting that the budget for lift maintenance reduces even further now with the $'s representing a full 12 months.*

Capital Works Fund

- ***It is also proposed that we do not change levies here for 2018/19, so subject to approval all levies will continue at current rates !***
- *We commence the year with a funds balance of $861,336.73 add budgeted income of $400,000.00 (again mainly levies less 10% for early payment) less $684,000.00 in budgeted expenditures, and end the year with a projected funds balance of $577,336.73*
- *Such a projected year end funds balance of $577,336.73 reasonably aligns with SiE's 15 year plan, as approved at our last AGM, of $180,871.99 (which included a 3.1% levy uplift, of which we are not now proposing) after we set aside $150,000 to complete balcony works including rust removal + $250,000 for the pool/BBQ area works in 2019/20 leaving us with a projected $177,336.73 free surplus at our 2018/19 year end. This includes our proposal to wisely use the $100,000 that was transferred from our Administration Fund last year by bringing forward foyer carpet replacements (now in line with foyer repainting proposed works) + replacement of common property lights to LED's with an expected payback of less than 2 years.*
- *There is a lot of capital works proposed to be done this year, and all fully funded should the proposed budget be approved, and again without any levy increases.*
  Major proposed expenses being :
  **$150,000 rust removal/paint 50% of balconies (balance in 2019/20 with funding available)*
  **$100,500 repaint all foyers + amenities block*
  **$55,069 contingency + allowance for currently unidentified works*
  **$55,000 replace foyer carpets (brought forward from 2024 – 2029 plans)*
  **$40,000 replace common property lighting with LED's*
  **$39,000 final payments for C2, C40, C69 & C71 replacement balcony doors/panels*
  **$30,000 upgrade B2 toilets*

MOTION 10	***Election of Strata Committee***	***Election/Ordinary Resolution***

THAT in accordance with Regulation 9 of the Strata Schemes Management Regulation 2016, the election of the Strata Committee takes place and that:

a) The Chairperson announce the names of the candidates already nominated in writing for election to the Strata Committee; and

b) The Chairperson call for any oral nominations of candidates eligible for election to the Strata Committee;

c) The Chairperson declare that nominations are closed;

d) That the number of members to the Strata Committee be set.

Explanatory Note: The election of the Strata Committee process is clearly set out in Regulation 9 of the Strata Schemes Management Regulation 2016. If the number of candidates:

a) is the same as, or fewer than, the number of members of the Strata Committee decided, on-those candidates are to be declared by the chairperson to be, and are taken to have been, elected as the Strata committee, or

b) is greater than the number so decided on, a ballot is to be held.

The Strata Schemes Management Act 2015 (NSW) states that the Owners Corporation must have a Strata Committee and your Strata Committee must be comprised of no more than 9 members, unless you are a large scheme in which case you must have between 3 and 9 members.

MOTION 11	***Restricted Matters***	***Ordinary Resolution***

THAT no additional restrictions be placed on Strata Committee other than those currently imposed by Section 36 (3b) of the Act.

Explanatory Note: This motion is a statutory motion. An owners corporation must consider at each Annual General Meeting whether the Strata Committee should be restricted from making particular decisions other than those already restricted by law (such as determining levies and passing by-laws). If a restriction is imposed then the particular decisions must be made by the owner's corporation at a general meeting. No restrictions have ever been placed on the Strata Committee of SP50785.

BUILDING INSURANCE

MOTION 12	***Confirmation of Insurances***	***Ordinary Resolution***

THAT the Owners Corporation's insurance policies currently in place be confirmed.

Explanatory Note: In accordance with Section 160-164 of the Strata Schemes Management Act 2015, the Owners Corporation is required to take out insurances for all the required insurance policies, through an approved insurer.

Insurances are already in place as detailed in the enclosed schedule of insurances and these need to be confirmed.

There are a number of exclusions in the insurance policies including for example, flood cover. You may wish to check these exclusions for yourself at your insurer's website. ***Your scheme is insured with Chubb Insurance Co Of Aust Ltd.***

MOTION 13	***Renewal of Insurance Policy***	***Ordinary Resolution***

THAT the Strata Managing Agent be instructed to renew next years' insurance policy through a recommended insurance broker, subject to recommendations for renewal being presented to the Strata Committee in accordance with the legislation.

Explanatory Note: This motion is to decide to engage the services of an insurance broker to go out to the market and obtain at least 3 insurance quotations prior to renewal. Once received, the quotations will be referred to the Strata Committee to resolve a decision on which insurer to renew with.

In accordance with Section 166 of the Strata Schemes Management Act 2015, if at least 3 quotations are not able to be obtained, a written explanation will be provided to the Strata Committee.

We currently use Body Corporate Brokers (BCB) whose Financial Services Guide is attached to this Notice.

MOTION 14	***Valuation for Insurance Purposes***	***Ordinary Resolution***

THAT an updated valuation for insurance purposes be obtained prior to the expiration of the current policy period and that the Strata Managing Agent be authorised to alter the sum insured in line with the valuation figure.

Note: Last Valuation obtained: 28/12/2017 valued in the amount of $85,651,000.00

Explanatory Note: This motion is to decide to engage the services of a registered valuer to provide a valuation of the property for replacement and restitution purposes. Industry experts recommend that a valuation be obtained at least every year to ensure your building is adequately covered as per the requirements of the Strata Schemes Management Act 2015.

MOTION 15	***Additional Insurances***	***Ordinary Resolution***

THAT an insurance policy continues to be executed for office bearer's liability and/or misappropriation of money or property of the Owners Corporation.

Explanatory Note: In accordance with Section 165 (2) of the Strata Schemes Management Act 2015, the Owners Corporation must consider taking out additional insurances referred to Office Bearer's Liability Insurance and Fidelity Guarantee/Crime Insurance to cover instances such as:

a) Damage to property, death or bodily injury for which a person holding the office of Chairperson, Secretary or Treasurer of the Owners Corporation or of a member of the Strata Committee of the Owners Corporation could become liable in damages because of an act or omission, committed or omitted in good faith, in performing the functions of that office,

b) Misappropriation of money or other property of the owners corporation.

COMPLIANCE/RISK MANAGEMENT

MOTION 16	***Commissions and Training Services***	***Ordinary Resolution***

THAT the report (below) be received from the Strata Managing Agent on commissions and training services received in the past 12 months and estimate of commissions and training services to be received in the next 12 months.

Explanatory Note: The strata managing agent under Section 60 of the Strata Schemes Management Act 2015 is required to disclose all commissions or training services provided to the strata managing agent for the strata scheme. As at the date of the notice of this meeting the strata managing agent has received the following:

Commissions Report:
$8,001.89 in insurance commissions has been received by the managing agent in accordance with the strata management agency agreement during the past 12 months. STM are of the conservative view the estimated insurance commission to be received in the next 12 months will remain largely the same as in the current 12 months, on the basis the current strata insurance underwriting market remains highly competitive and therefore any increase in insurance premiums and therefore, resultant commission change, is unlikely.

Training Report:
The equivalent of $0.15 per lot in training services in the past 12 months, and an amount of $0.15 in training services is expected to be received in the next 12 months.

MOTION 17	***Work, Health and Safety Report***	***Ordinary Resolution***

THAT the Owners Corporation engage *Solutions in Engineering* to carry out an Annual Compliance Report of the common property in accordance with the *Work Health and Safety Act 2011.*

Note: Last Report obtained: 07/07/2016 by SIE

Explanatory Note: The Work Health and Safety Act 2011 has dramatically affected the manner in which an Owners Corporation or an owner must consider their duties under the law, especially in regard to the health and safety of any workers engaged on their common property. The Act places duties upon a 'person conducting a business or undertaking' (PCBU) which are owed to a 'worker'. Per the definition of a PCBU in the Act, a PCBU could be an Owners Corporation; the occupier of the lot; a caretaking service contractor or letting agent or a Strata Manager.

Likewise, a 'worker' under the Act could be an employee; a contractor or subcontractor; an employee of the contractor or subcontractor or any person who receives direction from a PCBU while on the property (for example, a volunteer or work experience student).

As persons conducting a business or undertaking, you have obligations to ensure the risk of injury or illness is minimised for persons coming into or leaving the property, visitors and workers alike.
Due to the broad implications of the Work Health and Safety Act 2011, it is vital that an Owners Corporation or an owner undertakes measures to ensure their property or properties comply with the new requirements. Failure to comply with your obligations could mean a fine of up to $600,000 and/or 5 years imprisonment for individuals or a fine up to $3,000,000 for an Owners Corporation.

A Code of Practice entitled "How to Manage Work Health and Safety Risks" has been designed by Solutions In Engineering to address potential hazards in work environments, the Code recognises that assessing the health and safety risks in a

workplace or property is an ongoing responsibility, and risk management plans may need to be reviewed weekly or monthly.

Due to the nature of the risks that may be encountered by workers engaged on the common property in a strata environment, it is reasonable that the regularity in which risk management plans should be reviewed may be stretched up to a year in order that an Owners Corporation is shown to meet its obligations.

MOTION 18	***Annual Fire Safety Statement***	***Ordinary Resolution***

a) **THAT** the current Annual Fire Safety Statement be considered and to confirm the reappointment of the same fire services company for the completion and submission of the next Annual Fire Safety Statement.

b) **THAT** Strata Title Management be authorised to complete, sign and lodge the Annual Fire Safety Statement on behalf of the Owners Corporation in accordance with the Environmental, Planning and Assessment Act 1979 with Council; and be authorised to sign any necessary paperwork and to complete any necessary repairs on behalf of the Owners Corporation in order to satisfy the requirements of Council.

Explanatory Note: In accordance with Schedule 1, Part 2, Clause 6 (c) of the Strata Schemes Management Act 2015, the Owners Corporation must now consider, at each Annual General Meeting, the annual fire safety statement (if one is required for the building) under the Environmental Planning and Assessment Act 1979 and arrangements for obtaining the next annual fire safety statement.

BUILDING DEFECTS

MOTION 19	***Building Defects***	***Ordinary Resolution***

THAT the Owners Corporation considers any building defects at the strata scheme currently under a statutory warranty period under the Home Building Act 1989 and the proposed rectification of those defects.

Explanatory Note: Until the end of warranty periods for applicable statutory warranties under the Home Building Act 1989 for buildings of the strata scheme, the Owners Corporation must now consider an item in relation to building defects and rectification.

BY-LAWS

MOTION 20	**Special By-law 103 — Animals**	***Special Resolution***

THAT the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the *Strata Schemes Management Act 2015* THAT an additional by-law be made, **Special By-law 103 — Animals** on the terms below, and that notification of the by-law be lodged for registration at the Registrar-General's Office.

1 Option to be selected:

Special By-law 103 — Animals

103.1 Animals
a) You may keep the following within your Lot without our permission:
i) fish housed in a secure aquarium;
ii) a small caged bird (other than a chicken or fowl); or
iii) a small reptile kept in a terrarium.
b) If you keep an assistance animal of your Lot, you must, if we require you, provide evidence to us that the animal is an assistance animal as referred to in Section 9 of *Disability Discrimination Act 1992* of the Commonwealth, and that animal is permitted to accompany you on CP.
c) We also welcome any visitor to Côte accompanied by their assistance animal.
d) You must not allow any other dog, cat, other animal or reptile to enter Côte, or be in a Lot or on CP at any time.
e) You must promptly and permanently remove your animal from Côte if it is declared a nuisance, dangerous or menacing under the terms of the *Companion Animals Act 1998*, or if it upsets the amenity of Côte or the peaceful enjoyment of others because of noise or odour.

OR

Special By-law 103 — Animals

103.1 Assistance animals
a) If you keep an assistance animal of your Lot, you must, if we require you, provide evidence to us that the animal is an assistance animal as referred to in Section 9 of the *Disability Discrimination Act 1992* of the Common wealth, and that animal is permitted to accompany you on CP.
b) We also welcome any visitor to Côte accompanied by their assistance animal.
103.2 Pets
a) You may keep the following within your Lot without our approval:
i) fish housed in a secure aquarium;
ii) a single small caged bird (other than a chicken or fowl); or
iii) a single small reptile kept in a terrarium.
b) You may keep one cat or one small dog within your Lot subject to the following conditions:
i) You must obtain our approval;
ii) The animal must not weigh over 10kg, and must not be of a breed or variety expected to exceed that weight when fully grown;
iii) Your animal must be microchipped;
iv) Your animal must be de-sexed;
v) Your animal must be registered with Council;
vi) Your animal must remain within your Lot and not be on CP other than when being carried by you for ingress or egress;
vii) In the case of a dog, it must not remain unattended in your Lot for any period in excess of one hour;
viii) You must immediately clean any area of your Lot or CP soiled by your animal;
ix) You must promptly rectify any damage to your Lot or CP caused by your animal;
x) You must flush any solid waste from your animal;
xi) You must wrap all litter material and deposit it directly in a red bin, not flush such material or attempt to dispose of it in the refuse chute; and
xii) You must ensure your animal does not interfere with the peaceful enjoyment of any other person.
c) If we grant you approval to keep a pet under the conditions of this By-law:
i) You take responsibility for the behaviour of your animal; and

ii) You must promptly and permanently remove your animal from Côte if it is declared a nuisance, dangerous or menacing under the terms of the *Companion Animals Act 1998*, if it breaches any term of this By-law, or if it upsets the amenity of Côte or the peaceful enjoyment of others because of noise or odour.

d) You must not allow any other dog, cat, other animal or reptile to enter Côte, or be in a Lot or on CP at any time.

Explanatory Note: Owners must decide whether or not to allow residents to own dogs and cats. This proposed By-law was presented at the November 2017 EGM, where the indication of the owners was that cats or dogs would not be permitted in the building. However, the voting procedure was incorrectly applied so two versions of this By-law must be presented again to this meeting.

MOTION 21	***Lot 14 (B14) Major Renovation By-Law***	***Special Resolution***

THAT the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the *Strata Schemes Management Act 2015* THAT an additional by-law be made, **Special By-law 124 – Lot 14 (Unit B14) Major Work** on the terms below, and that notification of the by-law be lodged for registration at the Registrar-General's Office.

Special By-law 124 - Lot 14 (Unit B14) Major Work

124.1 Introduction

This By-law gives the Owner of Lot 14 (You) special privileges to carry out and retain Major Work on your Lot and CP, as well as exclusive use and enjoyment of CP occupied by your works under certain conditions.

124.2 Works specified

a) The Major Work on your Lot and CP covered by this By-law are as follows:

Ensuite/ Bathroom : Removal of bath tub, shower and toilet.

Waterproof; tile; replace with new shower only, toilet in existing area.

Waterproofing in ensuite, laundry and guest toilet.

b) The Major Work on your Lot and CP must be carried out in accordance with the following plans and specifications that are attached and form part of this By-law:

Refer attached letter dated 17/4/18

124.3 Authorisation, Right of Exclusive Use and Responsibility

a) We permit you to undertake the Major Work and give you a special privilege to keep and maintain it on the conditions set out in By-law 115 and this By-law.

b) You have a right of exclusive use and enjoyment of so much of the Major Work that comprises part of CP on the terms and conditions set out in this By-law.

c) We retain the right of access and use of any part of CP affected by your Major Work for the purpose of fulfilling any obligation which we may have under Strata Legislation or any other law.

d) You are responsible at all times for properly maintaining and keeping in a state of good and serviceable repair your Major Work and, when necessary, renewing or replacing any part of your Major Work.

124.4 Terms & Conditions

a) Before commencing Major Work, you must:

i) provide us a copy of all tradespersons licences and public liability insurances;

ii) pay our costs incurred in connection with the preparation, reviewing, passing and registration of this By-law.

b) You must complete your Major Work within the expected time frame and in accordance with the plans and specifications.

c) Your Major Work must be carried out in a competent and proper manner by licensed tradespersons.

d) You must comply with all applicable statutes, By-laws, regulations, rules and other laws for the time being in force.

e) You must minimize disturbance to the peaceful enjoyment of others during your Major Work.

f) You must pay all costs associated with your Major Work and properly maintain them.

g) You must give our nominated representatives access to inspect your Major Work within 48 hours of any request.

h) You must rectify any part of your Major Work that do not comply with the NCC or any applicable Australian Standard at your own cost.

i) You must notify us in writing as soon as your Major Work has been completed.

j) You must restore any damage to other parts of CP or any other Lot caused by your Major Work at your own expense, no matter when such damage may become evident.

k) You indemnify and keep us indemnified against all actions, proceedings, claims, demands, costs, damages and expenses which may be incurred by or brought or made against us arising out of your Major Work, the altered state, condition or use of CP arising from your Major Work or any breach of this By-law.

124.5 Breach of this By-Law

a) If you breach any condition of this By-law and fail to rectify that breach within 30 days of written notice from us, then we may:

i) Rectify any such breach;

ii) Enter any part of CP or your Lot, by our agents, employees or contractors in accordance with the Act for the purpose of rectifying any such breach; and

iii) Recover as a debt due from you the costs of the rectification together with the our expenses incurred in recovering those costs including legal costs on an indemnity basis.

b) Nothing in this clause restricts the rights of or the remedies available to us as a consequence of a breach of this By-law.

Explanatory Note: This By-law has been consented to by the Owner of Lot 14 to cover proposed Major Work on that Lot, and details the terms and conditions under which that Major Work is approved. Please also find enclosed further relevant documentation, titled 'Annexure A'.

MOTION 22	**Special By-law 125 — Requirements for Commercial Lots**	***Special Resolution***

a) THAT the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the *Strata Schemes Management Act 2015* THAT an additional by-law be made, **Special By-law 125 — Requirements for Commercial Lots** on the terms attached to the notice of this meeting, and that notification of the by-law be lodged for registration at the Registrar-General's Office.

b) **THAT** (subject to part A above being SPECIALLY RESOLVED) the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the *Strata Schemes Management Act 2015* to repeal by-law 42 (By-Laws applicable to Commercial Lots) on the terms attached to the notice of this meeting, and that notification of the by-law be lodged for registration at the Registrar-General's Office.

Explanatory Note: This By-law can only be presented to the meeting with the signed consent of all seven Commercial Lot Owners, which was not forthcoming for the November 2017 EGM. The Strata Committee recommends this By-law be passed as worded. This By-law will then supersede Special By-law 42 — By-laws applicable to Commercial Lots. If motion 20A is not passed, Special By-law 42 will remain.

MOTION 23	***REPEAL OF SPECIAL BY-LAW 21***	***Special Resolution***

THAT the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the *Strata Schemes Management Act 2015* to repeal Special By-law 21 (Exclusive Use of Common Property of Lot 21) on the terms below, and that notification of the repeal be lodged at the Registrar-General's Office.

SPECIAL BY-LAW NO. 21 – EXCLUSIVE USE OF COMMON PROPERTY (LOT 21)

The Proprietor for the time being of Lot 21 and their successors in title and persons authorised by those Proprietors ("Authorised Users") are entitled To the exclusive use and enjoyment of that part of the common property designated in the Plan annexed hereto and forming part of this By-Law ("open area") for the purposes of placing and maintaining on the open area, tables and chairs to be used by members of the public for consumption of food or beverages purchased from the occupant of the lot on the following terms and conditions:-

A. The authorised user shall be responsible for the proper maintenance and keeping in a state of good and serviceable repair and the cleaning of the open area so that it remains clean and tidy at all times but excluding any maintenance or repair of a structural nature;

B. The authorised user must obtain the consent of Sutherland Council and comply with the conditions of any such consent to the use of the open area;

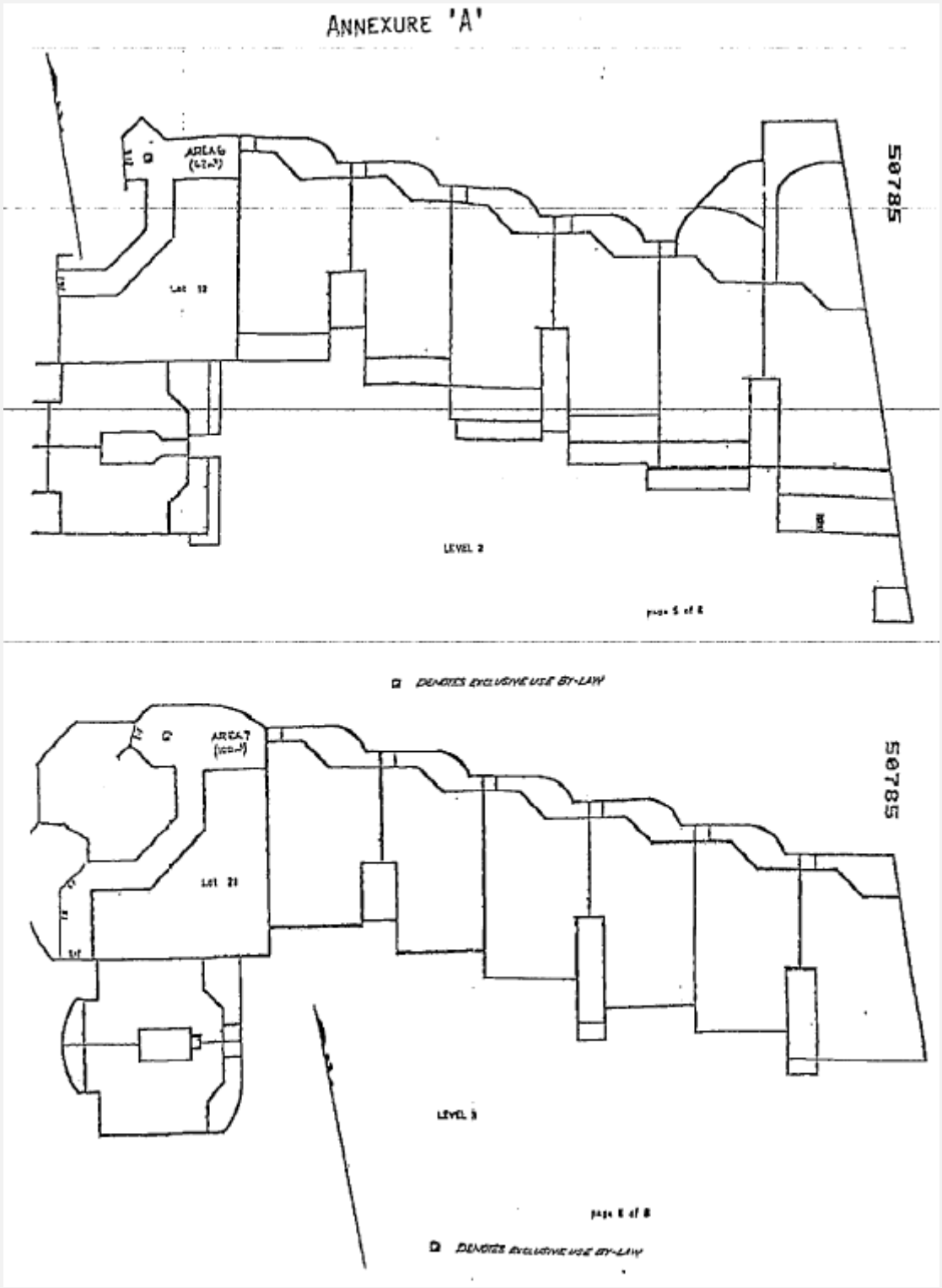
C. The authorised user must remove the tables, chairs and any other items place on the open area:-

i) at the close of business each day (and may replace them at the commencement of business the next day);

ii) for the period required by the body corporate in discharging its duties under the Act,

D. This by-law while remains in force continues to operate for the benefit of and (subject to Section 70 of the Act) is binding on the authorised user;

E. The authorised user shall indemnify and keep indemnified the body corporate from and against all actions, claims, demands, losses, damages, costs and expenses incurred by the body corporate or for which the body corporate may become liable in respect of or arising from the negligent or careless and unauthorised use, misuse, waste or abuse by the Proprietor or Occupier of the lot or any person authorised or permitted by him or them arising out of the exercise of the fights conferred by this by-law or use of the open area arising from any loss, damaged death or injury from any cause whatsoever to the common property or to any party of person within or without the open area occasioned or attributed to by any Act, omission, neglect, breach of the Proprietor or Occupier of the lot benefited, any contractor, sub-contractor, employee, person authorised or permitted by him or any other person upon the open area in pursuance of the rights hereby granted.



Explanatory Note: This By-law is completely superfluous because it confers no extra benefits or rights on either Lot 21 or the Owners Corporation beyond those contained in Special By-law 1 — Restaurant exclusive use areas which was registered on the title on September 11 1995. This motion can only be considered with the signed consent of Lot 21, which was not forthcoming for the November 2017 EGM.

MOTION 24	***Amendment of Special By-Law 27***	***Special Resolution***

THAT the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the Strata Schemes Management Act 2015 to amend Special By-law 27 (Registered incorrectly as Special By-law 2 September 30 2003: AA96463P) – by:
a) deleting the definitions of "Elevator" and "Elevator tower" from A(i); and
b) deleting clauses C(iii) and(iv) and renumbering subsequent clauses, thereby returning responsibility for maintenance of the lift and lift tower to the OC.

Explanatory Note: Special By-law 27 granted special rights over CP to the owner of Commercial Lot 21 to install, maintain and use the CP occupied by glazing works, to install and maintain an exhaust system adjacent to the Lot, and (among other things) to maintain and repair the elevator and elevator tower on CP. It was registered with the incorrect number 27 on September 30 2003: AA96463P. Following action by the Lot 21 owner, the then CTTT ordered that this By-law be amended to remove the responsibility for maintenance of the lift and lift tower from the Lot owner and put it onto the Owners Corporation. This motion can only be considered with the signed consent of Lot 21, which was not forthcoming for the November 2017 EGM.

MOTION 25	***Lot 22 (B15) Major Renovation By-Law***	***Special Resolution***

THAT the Owners Corporation SPECIALLY RESOLVES pursuant to section 141 of the *Strata Schemes Management Act 2015* THAT an additional by-law be made, **Special By-law 126 – Lot 22 (Unit B15) Major Work** on the terms below, and that notification of the by-law be lodged for registration at the Registrar-General's Office.

Special By-law 126 - Lot 22 (Unit B15) Major Work

126.1 Introduction

This By-law gives the Owner of Lot 22 (You) special privileges to carry out and retain Major Work on your Lot and CP, as well as exclusive use and enjoyment of CP occupied by your works under certain conditions.

126.2 Works specified

a) The Major Work on your Lot and CP covered by this By-law are as follows:

Re-tiling of ensuite bathroom including waterproofing with new membrane

Replacement of Toilet, vanity and fittings

b) The Major Work on your Lot and CP must be carried out in accordance with the following plans and specifications that are attached and form part of this By-law:

Gavaseal quote, Gavaseal work program, Southys Plumbing Job details and quote

126.3 Authorisation, Right of Exclusive Use and Responsibility

a) We permit you to undertake the Major Work and give you a special privilege to keep and maintain it on the conditions set out in By-law 115 and this By-law.

b) You have a right of exclusive use and enjoyment of so much of the Major Work that comprises part of CP on the terms and conditions set out in this By-law.

c) We retain the right of access and use of any part of CP affected by your Major Work for the purpose of fulfilling any obligation which we may have under Strata Legislation or any other law.

d) You are responsible at all times for properly maintaining and keeping in a state of good and serviceable repair your Major Work and, when necessary, renewing or replacing any part of your Major Work.

126.4 Terms & Conditions

a) Before commencing Major Work, you must:

i) provide us a copy of all tradespersons licences and public liability insurances;

ii) pay our costs incurred in connection with the preparation, reviewing, passing and registration of this By-law.

b) You must complete your Major Work within the expected time frame and in accordance with the plans and specifications.

c) Your Major Work must be carried out in a competent and proper manner by licensed tradespersons.

d) You must comply with all applicable statutes, By-laws, regulations, rules and other laws for the time being in force.

e) You must minimize disturbance to the peaceful enjoyment of others during your Major Work.

f) You must pay all costs associated with your Major Work and properly maintain them.

g) You must give our nominated representatives access to inspect your Major Work within 48 hours of any request.

h) You must rectify any part of your Major Work that do not comply with the NCC or any applicable Australian Standard at your own cost.

i) You must notify us in writing as soon as your Major Work has been completed.

j) You must restore any damage to other parts of CP or any other Lot caused by your Major Work at your own expense, no matter when such damage may become evident.

k) You indemnify and keep us indemnified against all actions, proceedings, claims, demands, costs, damages and expenses which may be incurred by or brought or made against us arising out of your Major Work, the altered state, condition or use of CP arising from your Major Work or any breach of this By-law.

126.5 Breach of this By-Law

a) If you breach any condition of this By-law and fail to rectify that breach within 30 days of written notice from us, then we may:

i) Rectify any such breach;

ii) Enter any part of CP or your Lot, by our agents, employees or contractors in accordance with the Act for the purpose of rectifying any such breach; and

iii) Recover as a debt due from you the costs of the rectification together with the our expenses incurred in recovering those costs including legal costs on an indemnity basis.

b) Nothing in this clause restricts the rights of or the remedies available to us as a consequence of a breach of this By-law.

Explanatory Note: This By-law has been consented to by the Owner of Lot 22 to cover proposed Major Work on that Lot, and details the terms and conditions under which that Major Work is approved.

MOTION 26	***Solar Panels***	***Ordinary Resolution***
THAT the Strata Committee investigate solar power generation panels for the building.		
Explanatory Note: Our efforts to reduce electricity consumption using latest technology are not keeping up with increased energy costs. Some proposals have been received for solar power generation panels on the roof of A and B blocks, and an indication should be received from the owners at this meeting if work should continue on this before it is presented to the owners for a final decision at a subsequent general meeting.		

MOTION 27	***Solar Heating***	***Ordinary Resolution***
THAT the Strata Committee investigate solar heating for the pool.		
Explanatory Note: From time to time, owners ask why our pool is not heated to enable us to enjoy an extended swimming season a month or more either side. Previous concepts relied on gas heating like the outside spa, but running costs were considered too high. New solar technology is worth investigation because of minimal running costs. Preliminary enquiries suggest flat black panels could be installed on the roof of the amenities block for less than $20K. An indication should be received from the owners at this meeting if work should continue on this before it is presented to the owners for a final decision at a subsequent general meeting.		

MOTION 28	***Foyer Refurbishment***	***Ordinary Resolution***
That the Strata Committee present their thoughts on the imminent refurbishment of foyers and invite open discussion at the meeting.		
Explanatory Note: Quotes have been sought for repainting of the foyers and a supplier chosen to commence work. Discussion is invited amongst all owners because of possibility of colour change (especially on upper floors of the Tower) and Tower foyer refurbishment.		

Daniel Goodwin
STRATA TITLE MANAGEMENT

Dated: 23 April 2018